ADDENDUM REGARDING PROVISION OF BODY SKETCH, PROCEDURE OF PHOTOGRAPH AND VIDEOGRAPHY WHILE CONDUCTING POST MORTEM IN CERTAIN CASES AND PREPARATION OF SPOT PANCHANAMA – MAHARASHTRA POLICE MANUAL, VOLUME-III,1959

GOVERNMENT OF MAHARASHTRA.
HOME DEPARTMENT,
Resolution No.Sankirn 0819/C.R.111/Spl.9
Mantrayala, Mumbai-400 032,
Dated :– the 08 April, 2022.

INTRODUCTION:

Hon'ble Supreme Court vide its order dated 20/04/2021 in the Suo Motu Writ (Crl) No.1/2017 has issued certain guidelines regarding Inadequacies and Deficiencies in Criminal Trials and has approved Draft Criminal Rules on Practice, 2021. Hon'ble Supreme Court has further directed the State Governments to carry out consequential amendments to the Police and other Manuals.

In view of Para 19(b) of Hon'ble Supreme Court order dated 20/04/2021, in said Writ, carrying out necessary amendments, as per the draft Rule 1 to 3 of Draft Criminal Rules on Practice, 2021 in Maharashtra Police Manual, Volume III, 1959, was under consideration of the State Government.

RESOLUTION:

In accordance with the aforesaid directions issued by the Hon'ble Supreme Court of India, further decisions are hereby being issued.

The amendments made in the Maharashtra Police Manual, 1959, Volume III are as follows:-

(1) In rule 138 of the Maharashtra Police Manual, 1959, Volume III, in sub-rule(1), after clause(xi), the following clause shall be added, namely:-

(xii) The compliance of the following point about the SPOT PANCHANAMA shall form the part of police investigation:

i. A site plan of the place of occurrence of an incident shall be appended by the Investigating Officer to the spot panchnama.
ii. The site plan shall be prepared by the Investigating Officer by hand, and shall disclose
   a. the place of occurrence,
   b. the place where the body (or bodies) was / were found,

c. the place where material exhibits and/or weapons,
d. blood stains and/or body fluids had fallen,
e. the place where bullet shells, if any, were found or have caused impact,
f. the source of light, if any and
g. adjoining natural and man-made structures or features such as walls, pits, fences, trees/bushes, if any and
h. elevation of structures and their location.

iii. The preparation of this sketch by the Investigating Officer shall be followed by a scaled site plan prepared by police draftsman, if available, or such other authorized or nominated draftsman by the State Government, who shall prepare the scaled site plan after visiting the spot.

iv. The relevant details in the spot panchnama shall be marked and correlated in the said site plan".

(2) In rule 143 of the Maharashtra Police Manual, 1959, Volume-III, after sub-rule (5), the following shall be inserted, namely:-

"(5A) BODY SKETCH TO ACCOMPANY MEDICO LEGAL CERTIFICATE, POST MORTEM REPORT AND INQUEST REPORT.

Every Medico Legal Certificate, Post Mortem Report shall contain a printed format of the human body on its reverse and injuries, if any, shall be indicated on such sketch.

Explanation: The printed format of the human body shall contain both a frontal and rear view of the human body as provided in ANNEXURE – XII-A of this Manual".

(3) After sub-rule (14) of rule 143 of the Maharashtra Police Manual, 1959, Volume-III, the following sub-rule shall be added, namely:-

"(15) PHOTOGRAPHS AND VIDEOGRAPHS OF POST MORTEM IN CERTAIN CASES

(i) In case of death of a person in police action [under Section 46 Criminal Procedure Code, 1973("Cr.PC") (II of 1974) or sections 129 to 131 Cr.PC] or death while in police custody, the Magistrate or the Investigating Officer as the case may be, shall inform the hospital or doctor in charge to arrange for photographs or videography for conducting the post-mortem examination of the deceased. The

photographs of the deceased shall also be arranged to be taken in all cases.

(ii) Such photographs and videographs shall be taken either by arranging a police photographer or a nominated photographer of the State Government, and where neither of the above are available, an independent or private photographer shall be engaged.

(iii) Such photographs or videographs shall be seized under a panchnama or seizure memo and all steps shall be taken to ensure proper proof of such photographs/video graphs during Trial.

(iv) The Investigating Officer shall ensure that such photographs and videography, if taken electronically, are seized under a panchnama or seizure memo and steps are taken to preserve the original, and ensure that certificate under section 65B Indian Evidence Act, 1872 (I of 1872) is obtained and taken to be proved during trial.

(v) The video or photographs shall be stored on a separate memory card, accompanied by a duly certified certificate under section 65B Indian Evidence Act, 1872 (I of 1872).

(vi) Where post-mortems are recorded in electronic form, the file containing the post-mortem proceedings, duly certified, should be placed with the memory card as an attachment unless individual memory cards are not capable of being produced before Court".

This Government resolution of Maharashtra Government is available at the website www.maharashtra.gov.in Reference no. for this is 202204111253378429. This order has been signed digitally.

By Order and in the name of the Governor of Maharashtra.

Ramesh Murarirao Manale

Digitally signed by Ramesh Murarirao Manale
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(Ramesh Manale)
Deputy Secretary, Home Department

To,

1. The Director General of Police, Maharashtra State, Mumbai.
2. All Commissioners of Police, (including Railways).
3. Additional Director General of Police, C.I.D., M.S., Mumbai,
4. Additional Director General of Police, A.T.S., CID., Railways, E.O.W., P.C.R. Traning.
5. Director Legal and Technical, Maharashtra State, Mumbai.
6. Director of Prosecution, Maharashtra State, Mumbai.

7. All Range Special Inspector General’s of Police and Deputy Inspector Generals of Police, including Spl.I.G. of Police P.A.W. and Cyber Crime.
8. All District Supdts of Police.
9. Home Department, Special-9 Brach, Mantralaya, Mumbai.